

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

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**JOANN WRIGHT HAYSBERT,**

Plaintiff,

v.

**BLOOMIN' BRANDS, INC., et al.**

Defendants.

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) Case No.: 4:20-cv-00121  
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**PLAINTIFF'S MOTION FOR CLARIFICATION AND RECONSIDERATION OF THE  
COURT'S VOLUNTARY DISMISSAL ORDER**

Plaintiff JoAnn Wright Haysbert hereby moves this Court, pursuant to the Court's inherent powers and Fed. Rs. Civ. P. 59(e) or 60(b) to clarify and reconsider its order granting in part Plaintiff's motion for voluntary dismissal [ECF 375], as follows:

- Clarify whether the Court's statement that "Plaintiff is CAUTIONED that the statute of limitations continues to run" is intended to modify or displace the operation of Va. Code § 8.01-229(E)(3) concerning the statute of limitations for recommencing an action after a voluntary nonsuit; and, if yes, to reconsider this aspect of the Court's order;
- Clarify whether the condition that "[i]f the case is refiled, all existing pretrial determinations will be maintained" is intended to preclude the parties from filing additional motions *in limine* or seeking additional determinations concerning issues that have arisen since August 8, 2023, as contemplated in the Court's Pretrial and


Scheduling Order of November 1, 2023; and, if yes, to reconsider this aspect of the Court's order; and

- Reconsider the condition that any previously disclosed but withdrawn expert witness remains withdrawn.

Plaintiff's Memorandum of Points and Authorities in support of this Motion, setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which Plaintiff relies, is attached.

For the reasons set out in the aforementioned Memorandum, Plaintiff respectfully requests this Honorable Court to grant her Motion.

DATED: February 1, 2024

  
JOANN WRIGHT HAYSBERT  
*Plaintiff pro se*  
244 William R. Harvey Way  
Hampton, VA 23669  
Tel: (757) 913-9114

**CERTIFICATE OF SERVICE**

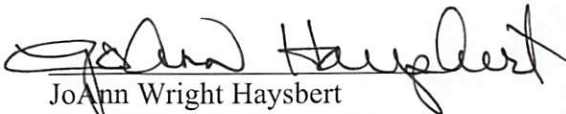
*Haysbert v. Bloomin' Brands et al.*  
*No. 4:20-cv-00121*

I hereby certify that on February 1, 2024, a true and accurate copy of the foregoing was sent via email, and first-class mail to:

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*Counsel for Defendants*

DATED: February 1, 2024

  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
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JoAnn Wright Haysbert

Plaintiff(s),

v.

Civil Action Number: 4:20-cv-00121

Bloomin' Brands, Inc. et. al.,

Defendant(s).

**LOCAL RULE 83.1(M) CERTIFICATION**

**I declare under penalty of perjury that:**

**No attorney has prepared, or assisted in the preparation of** \_\_\_\_\_  
**(Title of Document)**

\_\_\_\_\_  
Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)

OR

PLAINTIFF'S MOTION FOR  
CLARIFICATION AND  
RECONSIDERATION OF THE  
COURT'S VOLUNTARY DISMISSAL  
ORDER

**The following attorney(s) prepared or assisted me in preparation of** \_\_\_\_\_  
**(Title of Document)**

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Prepared, or assisted in the preparation of, this document

JoAnn Wright Haysbert

(Name of *Pro Se* Party (Print or Type)

  
Signature of *Pro Se* Party

Executed on: February 1, 2024 (Date)